

GAU 1632
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Wynick, David

Serial No. 09/230,463

Filed: July 26, 1999

For: "GALANIN"



Group Art Unit: 1632

Examiner: R. Schnizer

MAR 22 2000
TECH CENTER 1600/2900

ELECTION UNDER RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

March 15, 2000

Sir:

This is in response to the Office Action dated February 24, 2000 wherein restriction of the claims of the above-identified application is required. Applicants provisionally elect Group I (claims 1-6) with traverse.

Applicants request that the restriction requirement be reconsidered because the Examiner has not shown that a serious burden would be required to examine all the claims. M.P.E.P. § 803 provides:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. (*Emphasis added.*)

Thus, for a restriction requirement to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions (35 U.S.C. § 121); and (2)

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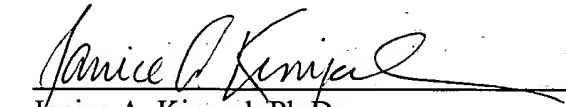
that the search and examination of the entire application cannot be made without serious burden.
See M.P.E.P. § 803.

The Examiner has not shown that the *second* requirement has been met. Specifically, the Examiner has not shown that it would be a serious burden to search and examine the two groups together. The groups are related in that they involve modifications of the level or activity of galanin. Because little or no additional burden would be required to search and examine the groups together, applicants respectfully submit that the Examiner should search and examine the groups together. Indeed it would be most efficient to keep them together. Consequently, reconsideration and modification or withdrawal of the restriction requirement is requested.

No fee is believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

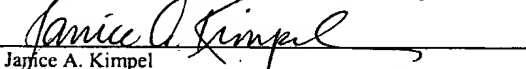

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 15th day of March, 2000.


Janice A. Kimpel

March 15, 2000
Date